

THIS IS A TWO-SIDED DOCUMENT

 NEW YORK STATE Adirondack Park Agency P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov	APA Permit 2025-0156
	Date Issued: October 2, 2025
In the Matter of the Application of KENNETH SHEAR & MARK R. WARNECKE Permittees for a permit pursuant to § 809 of the Adirondack Park Agency Act	To the County Clerk: Please index this permit in the grantor index under the following name(s): 1. Kenneth Shear 2. Mark R. Warnecke

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision and merger in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Minerva, Essex County.

This authorization shall expire unless recorded in the Essex County Clerk's Office within 60 days of issuance of a signed and notarized permit. The signed and notarized permit shall be recorded in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within five years of the date the permit is recorded in the Essex County Clerk's Office. The Agency will consider the project in existence when tis permit has been filed.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional, or local.

PROJECT SITE

The project site is a 34.38±-acre parcel located on Nurses Road in the Town of Minerva, Essex County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map.

The site is identified as Tax Map Section 155.4, Block 1, Parcel 16.000, and is described in a deed from Virgil C. Shear and Agnes M. Shear to Kenneth Shear, dated January 22, 1998, and recorded February 8, 1998 in the Essex County Clerk's Office at Book 1167, Page 147.

The project site is also identified as Tax Map Section 155.4, Block 1, Parcel 18.200, and is described in a deed from Barney E. Drumm, Shirley M. Drumm, and Mark R. Warnecke to Mark R. Warnecke, dated November 11, 2021, and recorded January 11, 2022 in the Essex County Clerk's Office at Book 2068, Page 6.

Tax Map Parcel 155.4-1-18.200 was created by subdivision as authorized by Agency Permit 1991-0047RRA.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a boundary-line adjustment to convey an approximately 9,900±-square-foot (396 feet by 25 feet) portion of Tax Map Parcel 155.4-1-18.200 to be merged with adjoining Tax Map Parcel 155.4-1-16.000. No new development is proposed.

The project is shown on a one-sheet plan titled, "Survey Map of the Lands of Kenneth Shear," prepared by Ausfeld & Waldruff Land Surveyors, LLP, dated April 20, 2025.

A reduced-scale copy of the Site Plan is attached as a part of this permit for reference.

AGENCY JURISDICTION

Pursuant to Condition 6 of Agency Permit 1991-0047RRA, any subdivision of land not authorized by Agency Permit 1991-0047RRA requires a new or amended permit.

CONDITIONS

THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The project shall not be undertaken until this permit has been recorded in the EssexCounty Clerk's Office.
2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project. Copies of this permit and Site Plan shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.

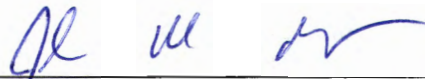
CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act and 9 NYCRR Part 574. The Agency hereby finds that the subdivision/single family dwelling authorized as conditioned herein:

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the Rural Use land use area;
- c. will be consistent with the overall intensity guidelines for the Rural Use land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act; and
- e. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project.

PERMIT issued this 2nd day
of October, 2025.

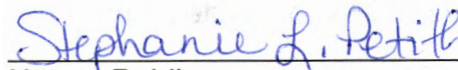
ADIRONDACK PARK AGENCY

BY: 
John M. Burth
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 2nd day of October in the year 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

STEPHANIE PETITH
Notary Public, State of New York
Reg. No. 01PE6279890
Qualified in Essex County
Commission Expires April 15, 2029


Notary Public

3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. This permit amends and supersedes Permit 1991-0047RRA in relation to Tax Map Parcel 155.4-1-18.200. The terms and conditions of Permit 1991-0047RRA shall no longer apply to Tax Map Parcel 155.4-1-18.200.
5. All deeds conveying all or a portion of the lands subject to this permit shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 2025-0156, issued October 2, 2025, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. Subject to the conditions stated herein, this permit authorizes a two-lot subdivision and merger as depicted on the Site Plan. Any subdivision of the project site not depicted on the Site Plan shall require prior written Agency authorization.
7. Within 30 days of conveyance of the 9,900-square-foot portion of Tax Map Parcel 155.4-1-18.200, a new deed shall be filed in the Essex County Clerk's office describing the 9,900-square-foot parcel and Tax Map Parcel 155.4-1-16.000 as a single, un-divided lot.
8. The construction of any additional dwelling or other principal building on the project site shall require prior written Agency authorization. The construction of any accessory structure on the project site shall require prior written Agency authorization.
9. Construction of any guest cottage on the project site shall require prior written Agency approval.
10. There shall be no more than three principal buildings located on Tax Map Parcel 155.4-1-18.200, in addition to the single family dwelling constructed in 2001 or any replacement structure for this dwelling as allowed by Agency regulations. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
11. There shall be no more than one principal building located on Tax Map Parcel 155.4-1-16.000, at any time. The single family dwelling constructed on the property in 1938 constitutes a principal building.

